

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, JULY 26, 2001
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Bernie Heier
Ray Stevens

Commissioners Absent: Larry Hudkins

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk

The staff meeting was called to order at 8:15 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF TUESDAY, JULY 17, 2001

MOTION: Workman moved and Heier seconded approval of the staff meeting minutes dated July 17, 2001. Campbell, Workman and Heier voted aye. Stevens abstained. Motion carried.

2 ADDITIONS TO AGENDA

- a. Allowance Modification Numbers 005 and 006 in relation to the new Election Commission Office located at 601 North 46th Street.
- b. Assignment of Work to Deputy Chief Administrative Officer
- c. Set meeting date for discussion of future land use under the Comprehensive Plan

MOTION: Heier moved and Workman seconded approval of the additions to the agenda. Campbell, Heier, Stevens and Workman voted aye. Motion carried.

A. Allowance Modification Numbers 005 and 006

Kerry Eagan, Chief Administrative Officer, disseminated a copy of a letter from Chris Beardslee, Sinclair Hille Architects, regarding the allowance modifications (Exhibit 1) and explained that a front door chime is being added to alert staff when public has entered the building and a keypad is being added at the employee entrance.

B. Assignment of Work to Deputy Chief Administrative Officer

Eagan informed the County Board that the Deputy Chief Administrative Officer, Gwen Thorpe, had received a committee assignment to attend a meeting for Commissioner Workman regarding a technical committee in relation to a request for proposal regarding juvenile records management.

C. Set meeting date for discussion of future land use under the Comprehensive Plan

Board consensus to hold a staff meeting on Tuesday, August 7, 2001 from 10 a.m. to Noon to discuss future land use under the Comprehensive Plan.

3 AMENDMENTS TO FLOOD PLAIN INSURANCE RATE MAPS, SUBDIVISION REGULATIONS & ZONING REGULATIONS (ARTICLE 11) - Nicole Fleck-Tooze, City Public Works and Utilities; David Johnson, Deputy County Attorney

Nicole Fleck-Tooze, City Public Works and Utilities, disseminated documentation entitled *Lincoln/Lancaster County Planning Staff Report - County Change of Zone 206* (Exhibit 2). She explained that the Federal Emergency Management Agency (FEMA) digitized and combined the City and County floodplain maps into one. Also highlighted were the following changes to the floodplain and floodway:

1. Filling in floodway along Salt Creek north of Saltillo Road
2. Addition of floodway within Wilderness Park
3. Filling in floodway and adding floodplain north of Van Dorn Street along Stevens Creek
4. Removal of floodplain along Middle Creek east of 98th Street

Fleck-Tooze also stated there would be some revisions to the names of zones, however, the functions of the zones would not change.

In response to a question asked by Heier, Fleck-Tooze explained that a 100 year flood has a one percent chance of occurring or being exceeded in any given year.

4 MAINTENANCE AGREEMENT FOR ROLL FILM DUPLICATOR - Brian Pillard, Records and Information Management; David Johnson, Deputy County Attorney

Brian Pillard, Records and Information Management Manager, reported the maintenance agreement for the duplicator cost \$780 in 1999. In 2000 the cost increased to \$1,055 and for 2001 the cost would be \$1,985.

David Johnson, Deputy County Attorney, referred to Section 11 of the agreement and indicated his concern was the language contained in that section which limits the contractor's liability. After discussions with the contractor and their legal counsel, Johnson stated he received a letter indicating Microfilm Imaging Systems (MIS) was not comfortable with any changes in the language, however, they would be willing to provide the County with a certificate of insurance.

In response to a question asked by Heier, Pillard stated the cost for a new roll film duplicator would be approximately \$26,000. A used (rebuilt) machine would cost approximately \$8,000.

Pillard reported that they are presently operating without a service agreement and have expended \$850 in repairs.

Johnson stated if there was interest in purchasing a used machine they could include the County's standard contract language in the request for proposal.

Pillard suggested that they pay for repairs through the current fiscal year and proceed through the budget process for the following year.

In response to a question asked by Heier, Pillard stated he had not looked into leasing the equipment.

Campbell stated there is also the possibility of entering into a lease/purchase agreement with the Nebraska Association of County Officials (NACO).

Board consensus to request Johnson to draft a letter to Microfilm Imaging Systems indicating the County is no longer interested in entering into a service agreement.

MOTION: Heier moved and Workman seconded to proceed without a maintenance agreement on the film roll duplicator, to request the County Attorney's Office draft a letter to Microfilm Imaging Systems indicating the County is no longer interested in renewing the maintenance agreement, continue to review all options available and review the issue at the Mid-Year Budget Review. Workman, Stevens, Heier and Campbell voted aye. Motion carried.

5 AMUSEMENT LICENSE GUIDELINES - Gwen Thorpe, Deputy Chief Administrative Officer; David Johnson, Deputy County Attorney

Gwen Thorpe, Deputy Chief Administrative Officer, highlighted the following areas of the amusement license guidelines:

- Noise Level (page 39 of agenda packet): Include a statement that gatherings held within the three-mile limit will need to meet the City of Lincoln's noise level requirements
- Site Map: The County Assessor's Office will supply a map of the vicinity showing abutting properties, including landowners' names and addresses, for a cost of \$10
- Include language in Section 2 of the application indicating the applicant must show the location of all residences and businesses which are within 500 feet of the perimeter of the event location
- Inclusion of indemnification and hold harmless clause
- Inclusion of language stating that the applicant agrees to direct billing of the costs associated with the public notice in relation to the public hearing

Campbell stated after the guidelines and application are in place, the County should do some publicity to make businesses/organizations/individuals aware of the requirements.

6 EXECUTIVE SESSION - Dennis Keefe, Lancaster County Public Defender

MOTION: At 9:41 a.m. Heier moved and Stevens seconded to enter into Executive Session for the purpose of discussing personnel issues and pending litigation. Heier, Stevens, Workman and Campbell voted aye. Motion carried.

MOTION: At 10:11 a.m. Stevens moved and Workman seconded to exit Executive Session. Workman, Stevens, Heier and Campbell voted aye. Motion carried.

7 COUNTY SPECIAL PERMIT NUMBER 8A, EXPANSION OF TURKEY FARM AT 148TH AND MILL ROAD - Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, disseminated the Lincoln/Lancaster County Planning Staff Report regarding County Special Permit Number 8A (Exhibit 3) and noted there was one individual who appeared in opposition. He explained Bill Bevans, applicant, would like to expand and operate a commercial feed lot for turkeys. Planning staff's recommendation was for approval with conditions, as well as approval by the Planning Commission.

In response to a question asked by Stevens regarding how long waste could be stored outside, DeKalb responded that a condition could be placed on the special permit if the County Board deemed it necessary.

8 BENEFITS AND SALARIES FOR TEMPORARY EMPLOYEES AND UNCLASSIFIED EMPLOYEES - Georgia Glass, Personnel Director; John Cripe, Classification and Pay Manager; Diane Staab, Deputy County Attorney

Benefits for Temporary Employees

Georgia Glass, Personnel Director, reminded the County Board that one of the questions relating to benefits involved temporary employees who move into full-time employment and whether the temporary employment should apply towards the waiting period for health insurance.

Diane Staab, Deputy County Attorney, stated she had drafted a resolution indicating that temporary employment applies toward the waiting period for health insurance only.

Eagan asked if a part-time temporary employee would receive credit.

Campbell stated she felt it should apply for full-time temporary employees only.

Staab stated she would place the resolution on the agenda for Tuesday, July 31.

Salaries for Unclassified Employees

Glass disseminated documentation regarding salaries for Lancaster County employees in the Unclassified service (Exhibit 4).

Campbell suggested that the Sheriff, Judges, County Attorney, Public Defender, Directors and Psychiatrists send their comments regarding salaries for Unclassified employees to the County Board, with placement on the staff meeting agenda for Thursday, August 9, 2001.

9 NEBRASKA USED OIL COLLECTION PROGRAM - Allen Grell and Jane Poulsen, Keep Nebraska Beautiful; Gene Hanlon, Recycling Coordinator

Allen Grell, Keep Nebraska Beautiful, gave a brief overview of documentation disseminated titled *Nebraska's Used Oil Collection Program* (Exhibit 5).

Gene Hanlon, Recycling Coordinator, explained that the City of Lincoln and the County, as well as the villages throughout the County, have interlocal agreements regarding solid waste management services. He stated they have approached the Village of Bennet and they have indicated they would like to host a waste oil collection site. The Village of Davey was also approached and it was the recommendation of the village board to contact Ott Oil, who is also willing to host a site.

MOTION: Workman moved and Heier seconded to participate in the Nebraska Used Oil Collection Program through the interlocal agreement with the City of Lincoln. Stevens, Workman and Heier voted aye. Campbell was absent from voting. Motion carried.

10 ACTION ITEMS

- a. **Microcomputer request C#2001-214, \$607.94 from the Election Commissioner budget for memory upgrade on seven computers**
- b. **Microcomputer request C#2001-217, \$1,306.24 from the County Engineer's budget for one Compaq Pentium II and 17 inch monitor**
- c. **Microcomputer request C#2001-094, \$11,259.68 from the Microcomputer Fund for new County word processing server**

MOTION: Stevens moved and Workman seconded approval of Action Items a, b and c. Campbell, Stevens, Workman and Heier voted aye. Motion carried.

d. Welcome letter to American Chemical Society

Eagan explained that Visitors Promotion requested the County Board send a welcome letter to the American Chemical Society.

MOTION: Stevens moved and Heier seconded approval to send a welcome letter to the American Chemical Society. Workman, Stevens, Heier and Campbell voted aye. Motion carried.

e. Agenda items for Common meeting on Monday, August 6, 2001

Consensus of the County Board to request Norma Agena, County Assessor, to give a presentation regarding information posted on their website.

11 CONSENT ITEMS

- a. **Vacation request from Russ Shultz for Wednesday, August 1 through Friday, August 3, 2001**
- b. **Vacation request from Mike Thurber for Friday, July 27 through Tuesday, July 31, 2001**

MOTION: Workman moved and Stevens seconded approval of the Consent Items. Workman, Stevens, Heier and Campbell voted aye. Motion carried.

12 ADMINISTRATIVE OFFICER REPORT

a. Amendment of Aging interlocal agreement

Eagan explained that the amendment eliminates the Lincoln-Lancaster County Commission on Aging. He stated an area aging council exists, as well as the local agency, which creates a duplication of duties. Eagan also said that several individuals recently appointed to the Lincoln-Lancaster County Commission on Aging have been moved to the area agency.

b. Report on Community Mental Health Center/Lincoln General Hospital Parking

Eagan reported that BryanLGH Medical Center West would like to lease a bay of parking at the Community Mental Health Center (CMHC). He explained that there are three bays and that the County is not utilizing the third bay, however, there are seven to eight vehicles stored there.

Eagan said he has visited with David Reese, Project Coordinator for BryanLGH West, who informed him the third bay, if leased, would be used for patient parking.

Eagan explained that the second proposal from BryanLGH West was to trade all of the County parking on the west side of CMHC for parking on the east. After discussion between BryanLGH, CMHC and Property Management, it was felt that trading would not be in the County's best interest. Eagan added that the County would also incur expenses if there was a trade because the east side is not handicap accessible. Cost to the County would be approximately \$55,000.

MOTION: Heier moved and Stevens seconded to pursue leasing the third parking bay to BryanLGH West with the condition that accommodations be made for the nine vehicles and to decline the parking space trade at the present time. Workman, Stevens, Heier and Campbell voted aye. Motion carried

Eagan stated he would draft a letter for review.

c. Legal opinion request policy and opinion regarding fishing from right-of-ways

Campbell stated Gwen Thorpe, Deputy Chief Administrative Officer, had researched the matter and it was felt that a legal opinion was needed.

Eagan stated he had asked Thorpe to write the legal opinion request for his signature, however, they forgot to obtain permission from the County Board which is required under the present legal opinion policy.

Eagan suggested that the County Board directly authorize Thorpe to request legal opinions.

MOTION: Workman moved and Stevens seconded to authorize the Chief Administrative Officer to request and distribute a legal opinion regarding fishing from right-of-ways. Stevens, Heier, Workman and Campbell voted aye. Motion carried.

MOTION: Stevens moved and Workman seconded to amend the legal opinion request policy to include the Deputy Chief Administrative Officer to the County Board.

The maker of the motion and the seconder agreed to table the motion regarding amending the legal opinion request policy to include the Deputy Chief Administrative Officer.

d. Meeting with American Federation of State, County and Municipal Employees (AFSCME)

Eagan reported Jane Burke, attorney for the American Federation of State, County and Municipal Employees (AFSCME), would like to meet with the County Board to discuss amending the Personnel Policy legislation and to also discuss the Employee Assistance Team. He explained that AFSCME would like to allow an equal number of representatives to be appointed by AFSCME and by the County Board. Eagan stated that the statutes currently state that an Employee Advisory Team shall make two appointments, elected officials shall make two appointments and the County Board shall make two appointments. He added that AFSCME would like to disband the Employee Assistance Team because they feel it is infringing on their right to represent employees. Eagan explained that the Employee Assistance Team is set forth in statute in their duties.

Eagan stated he would speak with Burke regarding scheduling the issue on a staff meeting.

(Campbell exited the meeting at 10:45 a.m.)

e. Notice of taxable status

Eagan stated the subject property is a parking lot located at 13th and "M" Streets which has a 100 year lease. He said the lease agreement states that the tenant pays taxes on improvements only and not the land, however, due to a new State Statute which says a property owned by the government, but is not used for governmental purposes is taxed, could mean the County would have to pay taxes on land valued at approximately \$330,000. Eagan further stated that the statute states that the governmental entity may pass the taxes on to the tenant.

Eagan added that the County Attorney's Office would advise the County Board on how to pursue the issue.

f. Funding source for Commissioners Award of Excellence

Eagan stated he, as well as Cori Beattie, Secretary to the County Board, have received several complaints from directors who don't like funding the Commissioners Award of Excellence from their department budgets.

Beattie reported that several members of the Commissioners Award of Excellence Nominating Committee have been told by their department head/elected official not to nominate employees because they don't want to pay for the savings bond and day off with pay from their department budget.

Campbell suggested that the County Board send a letter to department heads explaining that the Commissioners Award of Excellence is an important program and if there are any budget concerns in relation to the award to contact Dave Kroecker, Budget and Fiscal Officer.

g. Office space for Sue Eckley, Workers' Compensation and Risk Management Manager

Eagan reported that the Election Commission Office would be moving to their location in August which will leave Sue Eckley, Workers' Compensation and Risk Management Manager, alone in the building. He stated he has requested Don Killeen, County Property Manager, to review other options for office space for Eckley.

h. Radcliff Road Lights

Eagan stated at the time the bid was submitted the plan, which was prepared by Lincoln Electric System, showed no driveway or sidewalks which resulted in the bid being underbid by \$1,100. He explained that in reviewing the bid documents they clearly indicate that the bidders are responsible for physical inspection of the property prior to bidding.

MOTION: Heier moved and Stevens seconded to offer Commonwealth (CECO) the winning bid to install the lighting on Radcliff Street at their original price. If the bid is declined by Commonwealth, the offer will go to the second bidder. Heier, Workman and Stevens voted aye. Campbell was absent from voting. Motion carried.

13 DISCUSSION OF BOARD MEMBER MEETINGS

a. Board of Health - Hudkins

No report given.

b. Joint Meeting with School Board, City Council & Mayor - All Commissioners

Heier stated discussion took place regarding the new Juvenile Detention Center, future land use issues, Families First and Foremost and an overpass/underpass on Superior Street.

c. Nebraska Association of County Officials (NACO) - Workman

Workman reported that the Nebraska Association of County Officials (NACO) approved to join a coalition in relation to "Nebraska On the Move" which is a grassroots coalition to promote increased spending on roads. He informed the County Board that discussion also took place on the search for a new Executive Director of NACO. Workman added that interviews for the position will be held during the first week of October, with a decision to be made on the same day.

ADDITION TO AGENDA

d. Corrections - Visit to Washington D.C.

MOTION: Heier moved and Stevens seconded to approve the addition to the agenda. Heier, Stevens and Workman voted aye. Campbell was absent from voting. Motion carried.

Heier stated August 14, 15 and 16 a meeting will be held in Washington D.C. by the National Institute of Corrections.

There being no further business, the Vice Chair adjourned the staff meeting at 11:35 a.m.

Bruce Medcalf
County Clerk